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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,151	09/26/2003	Keren Jacobs	LAMIP178/P1189	8126
22434	7590	12/28/2005	EXAMINER	
BEYER WEAVER & THOMAS LLP			TRAN, BINH X	
P.O. BOX 70250			ART UNIT	
OAKLAND, CA 94612-0250			PAPER NUMBER	

1765

DATE MAILED: 12/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/672,151

Applicant(s)

JACOBS ET AL.

Examiner

Binh X. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 October 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14, 15 and 20-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14, 15 and 20-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see page 7, filed 10-7-2005, with respect to Su's reference have been fully considered and are persuasive. The previous ground of rejection has been withdrawn.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 29-36 are rejected under 35 U.S.C. 102(b) as being anticipated by Bhardwaj et al. (US 6,051,503).

Respect to claim 29, Bhardwaj discloses a etching feature in an etch layer through a mask (22) over a substrate, comprising:

placing a substrate in a process chamber (Fig 1);

providing a etch plasma to the process chamber;

etching a feature in the etch layer with the etch plasma;

ramping at least one etching parameter during the etching of the feature to optimize plasma parameters to the changing etch depth and etching with the ramped plasma until the feature is etched to a feature depth, wherein the ramping occurs greater than 50% of the duration of the etch (col. 8-9, Fig 9i, 9ii).

Respect to claims 30-31, Bhardwaj discloses the etch layer is a single uniform layer. Respect to claim 32, Bhardwaj discloses the ramping occurs over a time period of greater than 30 seconds (See Fig 19a-19b; 8 minutes in Fig 19a and 90 min in Fig 19b). Respect to claim 33, Bhardwaj discloses the ramping occurs greater than 50% of the duration of the etch (Fig 9i, 9ii). Respect to claim 34, Bhardwaj discloses the ramping is a non-linear ramping (col. 10 lines 57-60). Respect to claim 35, Bhardwaj discloses the ramping is a linear ramping (Fig 9ii). Respect to claim 36, Bhardwaj discloses etch plasma parameter that is ramped up is a gas flow rate (Fig 20, col. 10 lines 50-51).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 14-15, 21-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bhardwaj in view of Hsieh et al. (US 6,949,203).

Respect to claim 14, Bhardwaj teaches a method for etching a layer through a mask comprising the step of:

placing a substrate in a process chamber (Fig 1);

providing a first etch plasma composition to the process chamber, wherein the first etch plasma composition begins to etch a feature in the etch layer (i.e. first cycle of the ramping process);

providing a second etch plasma composition, wherein the second etch plasma composition continues to etch a feature in the etch layer (i.e. second cycle of the ramping process);

providing a third etch plasma composition, wherein the second etch plasma composition continues to etch a feature in the etch layer (third cycle of the ramping process).

Bhardwaj further teaches to increase etch aggressive by increase the etch rate. For example, in Fig 4 Bhardwaj shows the first etch rate of about 100 angstrom/min, the second etch rate of about 200 angstrom/min and the third etch rate of about 400 angstrom/min (See Fig 4 data between 10% to 20% on the x-axis). Since the etch rate is increased between each step, the examiner will interpret that Bhardwaj teaches the third plasma is more aggressive to the second plasma, and the second plasma is more aggressive to the first plasma.

Respect to claim 14, Bhardwaj fails to disclose that the ramping increase etch aggressive with respect to etch stop. However, Bhardwaj clearly teaches an increase in etch aggressive. Hsieh discloses a process to etch layer selectively at a high rate with respect to etch stop (12) (See col. 3 lines 1-20). Hsieh further discloses an increase in active etchant gas will result in an increase in the etch rate with respect to the etch stop layer (Fig 7, i.e. more aggressive with respect to etch stop). It would have been obvious to one having ordinary skill in the art, at the time of invention, to modify Bhardwaj in view of Hsieh by increasing etch aggressive with respect to etch stop because it will result in a vertical and very narrow hole

Respect to claim 20, Bhardwaj teaches ramping at least one etching parameter during the etching of the feature to optimize plasma parameters to the changing etch depth and etching with the ramped plasma until the feature is etched to a feature depth (col. 8-9, Fig 9i, 9ii).

Respect to claims 15 and 27-28, Bhardwaj discloses the ramping decreases the etch selectivity between the etch layer and the mask (col. 9 lines 15-19; Note: selectivity reduce from greater than 100:1 to less than 20:1; read on limitation of claim 15, "first etch plasma is more selective than the second etch plasma and the second etch plasma is more selective than the third etch plasma" and limitation of claim 28). The limitation of claim 21-25 has been discussed above under Bhardwaj's reference.

Respect to claim 26, Bhardwaj fails to disclose the etch layer is a dielectric layer. In a semiconductor process, Hsieh discloses the etch layer is a dielectric layer (col. 2). It would have been obvious to one having ordinary skill in the art, at the time of

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invention, to modify Bhardwaj in view of Hsieh by using dielectric layer because this layer is necessary to protect and insulate the substrate and active structure during semiconductor process.

7. Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stolze (US 6,449,038) in view of Bhardwaj et al. (US 6,051,503).

Respect to claim 37, Stolze discloses an apparatus for etching comprising a plasma processing chamber comprising:

- a chamber wall forming a plasma processing chamber enclosure;

- a substrate support (52) for supporting a substrate;

- a pressure regulator for regulating the pressure in the plasma processing chamber enclosure;

- at least one electrode for providing power (RF power) to the plasma processing chamber enclosure for sustaining a plasma (col. 7 lines 10-25);

- a gas inlet (38) for providing gas into the plasma processing chamber;

- a gas outlet (i.e. exhaust 42) for exhausting gas from the plasma processing chamber enclosure;

- a gas source (36) in fluid connection with the gas inlet (38);

- a controller controllably connected to at least one of the gas source, the at least one electrode, the pressure regulator, gas inlet/outlet, comprising:

 - at least one processor (i.e. CPU); and

 - computer readable media (i.e.. disk drive) comprising computer readable code (i.e. computer program) (See col. 10, Fig 5).

Stolze fails to disclose that the computer readable code is used for ramping at least one the parameter during the etching of the feature to optimize plasma parameters according to etch depth and etching with the ramped plasma until the etched feature is etched to a feature depth, wherein the ramping up occurs for at least 30% of the duration of the etch. In a plasma etching method, Bhardwaj teaches ramping at least one etching parameter during the etching of the feature to optimize plasma parameters to the changing etch depth and etching with the ramped plasma until the feature is etched to a feature depth, wherein the ramping up occurs for at least 30% of the duration of the etch (col. 8-9, Fig 9). It would have been obvious to one having ordinary skill in the art, at the time of invention to modify Stolze in view of Bhardwaj by ramping the etching parameters because this technique provide more control of the etching process.

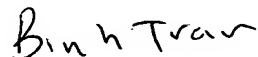
Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh X. Tran whose telephone number is (571) 272-1469. The examiner can normally be reached on Monday-Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nadine Norton can be reached on (571) 272-1465. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Binh X. Tran". The signature is written in a cursive, slightly stylized font.

Binh X. Tran